



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-01131NS**

**Monday April 2, 2007**

## **NON STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING**

### **Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

## Petition for Declaratory Ruling

Teltranet LLC (Teltranet) requests a declaratory ruling that indirect foreign ownership of Teltranet Licenses LLC (Teltranet Licenses), to be established as a wholly-owned subsidiary of Teltranet, is consistent with the public interest under Section 310(b)(4) of the Communications Act of 1934, as amended. Teltranet filed its petition in connection with an application that seeks consent to assign certain common carrier point-to-point microwave licenses from Telink Networks SW, LLC (Networks) to Teltranet Licenses (File No. ULS 0002910709).

Teltranet Licenses will be formed as a Delaware limited liability company. Its 100% parent company, Teltranet, is also a Delaware limited liability company that is jointly owned by Horizon Tower LLC (Horizon) (75% ownership) and Networks (25% ownership). Horizon is organized in Delaware, and Networks is organized in Nevada. Networks is ultimately wholly owned by a citizen of Canada. Approximately 99% of the ownership interests in Horizon are held by four investment funds affiliated with Duff Ackerman & Goodrich (collectively, the DAG Funds). According to the petition, certain of the limited partners/members of the DAG Funds are non-U.S. citizens, all of which are prohibited from participating in day-to-day management of the funds. The Petition states that this foreign passive investment constitutes approximately 24% of the equity investment in Horizon. In addition, the three DAG Funds that together hold the majority ownership interest in Horizon are controlled by a limited liability company, DAG II LLC, which serves as their general partner. A Canadian citizen holds a 9.679% non-managing member interest in DAG II, but is prohibited from participating in day-to-day management of Horizon.

The Petitioner asserts that, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Teltranet Licenses in excess of the 25 percent benchmark in Section 310(b)(4) of the Act is consistent with the public interest.

## REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>